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2 Q. All right. Now, at this point, he's not under
3 arrest; is that correct?

4 A. No, sir.

5 Q. And so as you advised him of his rights, did you
6 accompany that with any words telling him the importance of
7 the matter, Now we're talking about a murder charge here and
8 this is obviously a murder that we're discussing and I need
9 to advise you of your rights, in a frame of reference, I'm
10 talking about. Did you give him that?

11 A. No, I didn't -- I didn't look at him at that point
12 as being the murder suspect. However, I was -- the reason
13 for my advisement was because of the change in his story and
14 I didn't want him making an admission without the advisement,
15 so I just advised him and then went into -- as he responded,
16 yeah, I'm trying to help you, then went into furthering the
17 interview.

18 Q. Now, when, from that point on -- now we're
19 discussing subsequent to the advisement of rights when
20 Mr. Warney was giving you responses that you felt either
21 didn't make sense or didn't fit in with the -- with what you
22 understood to be the situation -- did you suggest any answers
23 to him, such as number of stab wounds, I think you mentioned
24 yesterday?

25 A. No. No, sir.

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2 Q. Didn't you indicate yesterday, Sergeant, that
3 Mr. Warney at one point said that he had only stabbed
4 Mr. [REDACTED] once? Didn't you tell him that you didn't believe
5 that, that he had only stabbed Mr. [REDACTED] once and then he
6 said something like, Well, maybe it was eight times, but not
7 as many as fifteen times?

8 A. Yes, sir.

9 Q. So you did suggest some answers or confront him
10 with his answer that you weren't accepting that?

11 A. The way I presented it was I was not accepting what
12 he was telling me, that's correct.

13 Q. Now, at any time when you either suggested an
14 answer to him or told him you were not accepting his answer,
15 did he say no, that's it, I'm standing by what I said, I'm
16 not changing it in any way?

17 MR. KEENAN: I'll object to the form of the
18 question, Your Honor. The Sergeant never said he
19 suggested answers to Mr. Warney.

20 THE COURT: Sustained; jury disregard.

21 MR. BARR: All right, I'll take out
22 suggestion.

23 Q. At any time when you told Mr. Warney that you were
24 not accepting what he had to say for your own reasons, you
25 were telling him that, did he ever say to you that's it, I'm

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2 standing by my answer, I'm not changing it in one way?

3 A. Several times during the course of our interviews
4 that day.

5 Q. All right. Now, I know you've indicated at the
6 very end of your, I believe, second interview with Mr. Warney
7 when there were some suggestions that possibly he had been
8 involved with somebody else, he very adamantly stated at that
9 point that he had been alone. Were there any other times
10 where he held to his answer and would not change it when you
11 told him you weren't accepting it?

12 A. I believe when I asked -- he was adamant and I
13 didn't tell him I didn't accept it but he was adamant in the
14 reason why he said he had to kill Mr. [REDACTED], that he would
15 be identified, he was a predicate felon, he would do life in
16 jail, he was adamant that that was the reason why he had to
17 kill him.

18 Q. And you told him you didn't accept that?

19 A. No, I didn't tell him I didn't accept it but that
20 was -- that was a statement that he made that he was very
21 adamant about.

22 Q. All right. My question, though, Sergeant, is --
23 let me back up a minute. As you read over his statement and
24 as we talk about his initial oral statement, he drifts from
25 one scenario where Brian Szymkowski is the guilty party,

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2 right into the second scenario where he is with Brian
3 Szymkowski, into a final scenario where there is nobody else
4 but Douglas Warney doing the killing here, he, himself, all
5 the stab wounds in the bedroom, some in the kitchen. Did you
6 see that in his oral statement and his written statement --

7 A. Yes, sir.

8 Q. -- how he goes from one to another?

9 A. Yes, sir.

10 Q. All right. I'm trying to understand how this
11 happened and what I'm asking you, what I understand from your
12 testimony is that at some point when he was telling you
13 something, you were indicating to him that you were not
14 accepting that as being the truth and that then he would
15 possibly change what he was saying. What I've just asked you
16 now is were there any of these occasions where you told him,
17 Mr. Warney, however you were talking to him, Doug or
18 Mr. Warney, I'm not accepting what you are saying, were there
19 any occasions where despite what you said, he said I'm
20 sticking to what I said?

21 A. None that we haven't -- that I haven't already
22 discussed.

23 Q. Okay.

24 A. All right.

25 Q. As an example, at one point where he was saying

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2 that he stabbed Mr. [REDACTED] only once, you told him that you
3 didn't accept that, he then changed the number from one to, I
4 believe you testified yesterday, a minimum of eight and a
5 maximum of fifteen; is that correct?

6

A. I presented that to him in this manner, I says,
7 Doug, how many times did you stab him and he had already
8 indicated to me he stabbed him once. He told me then that he
9 had stabbed him more, eight, not more than fifteen.

10

Q. All right. So to get him to change his position
11 from one stab wound to eight or more, what it took was you
12 saying, Doug, how many times did you stab him?

13

MR. KEENAN: Objection to the form of the
14 question.

15

MR. BARR: I'm asking him simply to confirm
16 the testimony he's just given.

17

THE COURT: I'll sustain the objection. There
18 is an implicit question that one drove the other,
19 so direct the jury to disregard it.

20

MR. BARR: Okay. Let's try it one more time,
21 Sergeant.

22

Q. Mr. Warney is telling you that he stabbed
23 Mr. [REDACTED] once. You then said something to him, what did
24 you say to him?

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A. After our conversation goes on, I asked, you know,

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2 we're discussing what had happened, I says, Doug, how many
3 times did you stab him, and then he changed and said he
4 stabbed him more than once.

5 Q. All right. Did anything happen between the time
6 you said, Doug, how many times did you stab him and
7 Mr. Warney changes his answer from one to eight?

8 A. Just conversation, just talking about, you know,
9 what had transpired in there.

10 Q. Sergeant, what I understand that you're saying is
11 while the conversation is going on, at some point, you said
12 to him, Doug, how many times did you stab him? And his
13 immediate answer to that is eight or more, am I correct or
14 incorrect?

15 A. As the conversation is going on, I --

16 THE COURT: You want to answer that question?
17 That was a question.

18 THE WITNESS: Not immediately following his
19 response would I -- did I say how many times?

20 Q. Yeah. What I'm saying is what did he say, what was
21 his immediate response to you saying, Doug, how many times
22 did you stab him?

23 A. He looked at me, then he responded to me.

24 Q. And changed his initial answer from one, now, to
25 eight?

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2 A. Yes.

3 Q. So between your question and his answer, there was
4 no conversation in between there?

5 A. No, sir.

6 Q. Did anything else happen that wasn't
7 conversational? Was this at a point where you were walking
8 around the room, did you pound your fist on the table that he
9 was sitting by, did you raise your voice, did anything happen
10 other than words that got him to change his answer?11 A. I didn't pound my fist on any table or desk. I may
12 have, during the conversation, raised my voice or presented
13 in it a manner, Doug, how many times did you stab him, you
14 know, to draw attention, I'm talking to you, instead of
15 Evelyn. There was walking around the room, I may have been
16 sitting on the desk next to or behind where Evelyn was in a
17 chair. As he was -- as we were talking, I may have been
18 walking, I can't be too exact where I was in the room at that
19 time, yeah, but I was within that -- the Lieutenant's office,
20 there.21 Q. Right. You knew that there were multiple stab
22 wounds on the victim?

23 A. Yes, sir.

24 Q. Now, within this time period from approximately
25 11 a.m. up to 12:30, at 12:30 the typing of the statement